

STEPHANIE M. HINDS (CABN 154284)
Acting United States Attorney

HALLIE HOFFMAN (CABN 210020)
Chief, Criminal Division

STEPHEN MEYER (CABN 263954)
Assistant United States Attorney

150 Almaden Boulevard, Suite 900
San Jose, California 95113
Telephone: (408) 535-5037
Stephen.Meyer@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA)	NO. 5:21-mj-71580-MAG
)	
v.)	STIPULATION TO CONTINUE THE
)	HEARING AND ORDER (AS MODIFIED)
BRIAN PECH,)	EXCLUDING TIME FROM SPEEDY TRIAL
)	ACT AND RULE 5.1
Defendant.)	

STIPULATION

IT IS HEREBY STIPULATED by the parties, through undersigned counsel, that:

1. The defendant was arraigned on the criminal complaint on October 6, 2021, and was released from custody on Pretrial bond conditions ordered by the Honorable Virginia K. DeMarchi on October 8, 2021. With the agreement of the parties, time with respect to a speedy indictment has been excluded through the current status date of December 9, 2021.

2. The parties now seek to continue the matter to January 26, 2022, so that they will have sufficient time to explore a potential pre-indictment resolution of the case. The parties also request that the time between December 9, 2021 and January 26, 2022, be excluded pursuant to the Speedy Trial Act and Rule 5.1 of the Federal Rules of Criminal Procedure. The parties believe the exclusion of time is necessary for effective preparation of counsel, taking into account the exercise of due diligence. The parties concur that granting the exclusion would allow the reasonable time necessary for effective

1 preparation of counsel and continuity of counsel. *See* 18 U.S.C. §3161(h)(7)(B)(iv). The parties also
2 agree that the ends of justice served by granting such an exclusion of time for the purposes of effective
3 preparation of counsel outweigh the best interests of the public and the defendant in a speedy indictment
4 and trial. 18 U.S.C. § 3161(h)(7)(A).

5 IT IS SO STIPULATED.

6
7 DATED: December 8, 2021

STEPHANIE M. HINDS
Acting United States Attorney

8
9 /s/
10 STEPHEN MEYER
Assistant United States Attorney

11
12 DATED: December 8, 2021

13 /s/
14 SEVERA KEITH
Counsel for the Defendant

ORDER (AS MODIFIED)

Based upon the parties Stipulation, the COURT GRANTS the parties request to continue the court appearance in this matter from December 9, 2021 to January 26, 2022 at **2:00 p.m.**

THE COURT FURTHER FINDS THAT the ends of justice are served by granting the parties' request to exclude time under the Speedy Trial Act and Rule 5.1 of the Rules of Criminal Procedure from December 9, 2021 through January 26, 2022, and outweigh the best interest of the public and the defendant in a speedy indictment and trial, and that failure to grant such an exclusion of time would unreasonably deny the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Accordingly, THE COURT ORDERS THAT the period from December 9, 2021 through January 26, 2022, is excluded from the otherwise applicable Speedy Trial Act computation relating to Speedy Indictment, pursuant to 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

IT IS SO ORDERED AS MODIFIED.

DATED: December 8, 2021

